

### **REMARKS**

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 48-52 and 57-68, the only claims pending and currently under Examination in this application.

The Examiner is thanked for the person interview held with the undersigned on December 10, 2007. During the interview, the above amendments were discussed with respect to the rejection of record. The Examiner indicated during the interview that the above amendments would appear to overcome the anticipation rejection based on Edwards. The Examiner also indicated that the claims would be considered further upon submission of this response.

Claims 48, 66, and 67 have been amended for clarification. Support for these amendments can be found in previous Claim 48, as well as in the specification, for example on pg. 8, lines 10-12, and lines 24-28. Accordingly, no new matter has been added. As no new matter has been added by way of these amendments, entry thereof by the Examiner is respectfully requested.

### ***Claim Objections***

Claims 48-52 and 57-65 have been objected to in that the Examiner alleges that there is no antecedent basis for the one common electrical conductor in line 7. Independent Claim 48 has been amended in line 3 to recite "one common electrical conductor". In view of this amendment, this objection may be withdrawn.

### ***Claim Rejections - 35 U.S.C. § 102***

Claims 48, 49, 52, 57-63, and 66-68 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Edwards et al. (U.S. 6,163,716).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

An element of the rejected claims is the presence of at least two separately identifiable effectors or actuators, wherein each of the at least two effectors or actuators comprises a transducer and an identifiable processor, wherein the effectors or actuators are electrically coupled to the at least one common conductor through a surface penetration of the surface the body on which the effectors have been mounted.

In maintaining the rejection, the Examiner points to 122 and 124 of FIGS. 22 and FIG. 24:

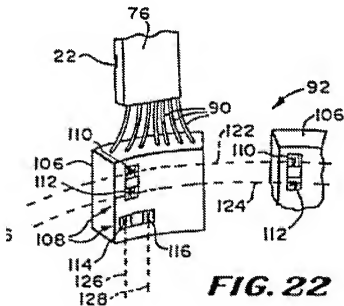


FIG. 22 shows the connection between splines 76 and lines 122 and 124, which provide power to chips 106 in catheter 18.

In making the device of FIG. 22, it is not clear how the step of "electrically coupling the at least two effectors to the at least one common electrical conductor *through a surface penetration of said surface*" [emphasis added] is present, as claimed. As shown in Figs. 22 and 24, the electrodes in Edwards are not coupled to a common electrical conductor through a surface penetration, as in the current invention.

Edwards therefore does not anticipate the Applicant's invention because Edwards does not disclose the element of coupling the at least two effectors or actuators to the at least one common conductor through a surface penetration of a surface of the body on which the effectors are mounted. Accordingly, Edwards is deficient in that it fails to teach every element of the rejected claims. Therefore, the Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of Claims 48, 49, 52, 57-63, and 66-68 be withdrawn.

### ***Claim Rejections - 35 U.S.C. § 103***

Claims 50, 51, 63, 64, and 65 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Edwards et al. (U.S. 6,163,716).

In order to meet its burden in establishing a rejection under 35 U.S.C. § 103 the Office must first demonstrate that the combined prior art references teach or suggest all the claimed limitations. See *Pharmastem Therapeutics v. Viacell et al.*, 2007 U.S. App. LEXIS 16245 (Fed. Cir. 2007) ("the burden falls on the patent challenger to show by clear and convincing evidence that a person of ordinary skill in the art would have had reason to attempt to make [every element of] the composition or device, or carry out the [entire] claimed process, and would have had

a reasonable expectation of success in doing so," (citing KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1740 (2007))); and see *Omegaflex, Inc. v. Parker-Hannifin Corp.*, 2007 U.S. App. LEXIS 14308 (Fed. Cir. 2007) ("[t]he Supreme Court recently explained that 'a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art,'" (citing KSR Int'l Co. at 1741)); and see *Dystar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006) ("[once] all claim limitations are found in a number of prior art references, the factfinder must determine '[w]hat the prior art teaches, whether it teaches away from the claimed invention, and whether it motivates a combination of teachings from different references,'" (citing *In re Fulton*, 391 F.3d 1195, 1199-1200 (Fed. Cir. 2004))).

Claims 50, 51, 63, 64 and 65 ultimately depend from Claim 48. An element of the rejected claims is the presence of at least two separately identifiable effectors, wherein each of the at least two effectors comprises a transducer and an identifiable processor, wherein the effectors are electrically coupled to the at least one common conductor through a surface penetration of a surface of the body on which the effectors are mounted.

Edwards (U.S. 6,163,716) is deficient in that it fails to teach or suggest the element of coupling the at least two effectors to the at least one common conductor through a surface penetration, as discussed above. Edwards fails to teach or suggest this element because the electrodes in Edwards are not coupled to a common electrical conductor through a surface penetration, as in dependent claims Claims 50, 51, 63, 64 and 65.

Consequently, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 50, 51, 63, 64 and 65 be withdrawn.

**CONCLUSION**

In view of the amendments and remarks above, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number PRTS-012.

Respectfully submitted,

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Date: December 14, 2007

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